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**From:** Tom Schadt  
**Sent:** Fri 6/9/2017 2:59:38 PM  
**Subject:** RE: EPA's comments on Newtown Creek Draft RI and models (Geo-Neutral PS, Hydrodynamic and Sed Tran)

Caroline –

Thanks for the opportunity to review the draft agenda for the proposed meeting. The NCG believes the conflict between CWA and CERCLA is the single-most critical item to discuss and resolve if there is going to be an effective long-term remedy for Newtown Creek. The draft agenda you have proposed has several key topics, some of which will require EPA to be prepared to address the metrics that will be used for evaluating long-term success, and what is reasonable to achieve on a long-term sustainable basis in a system as complex as Newtown Creek. We agree that it is time to start addressing these issues, and look forward to engaging you on this topic – particularly if EPA is prepared to address the metrics around the issues noted in your email.

We also believe that several of the discussion items on the agenda will get into both policy and legal issues, and because of that believe that the meetings should be opened up to a broader audience beyond just technical participants. In an effort to be efficient with everyone's time, we recommend having an initial technically focused meeting that is limited in scope to issues that will not expand into policy and legal matters. Specifically, we support having a technically focused meeting amongst the modeler-types to deal with Item 1 on your agenda – establishing an appropriate precipitation dataset. The other items we believe will require a broader audience as they will get into legal and policy matters. We also believe Item 4 should be expanded to discuss the LTCP path forward from technical and policy perspective, as well as understanding the timing of determining and implementing LTCP control measures specifically as they relate to a CERCLA remedy for Newtown Creek.

The NCG will look at our calendars and get back to you with potential dates in July for both a technical meeting, as well as what is likely the first of numerous meetings sorting out the other items on your draft agenda. Currently it looks like the week of July 17 will work best for the broader policy-type meeting, and I will try and get you some specific dates that week when the majority of the NCG's team can be available. Thanks, Tom

Tom Schadt

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**Sent:** Friday, May 26, 2017 4:41 AM

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**Subject:** RE: EPA's comments on Newtown Creek Draft RI and models (Geo-Neutral PS, Hydrodynamic and Sed Tran)

Hi Jim:

As previously indicated, EPA is providing additional information regarding the technical meeting referenced below.

While our request for this meeting stated that we should to discuss, at a minimum, the appropriate precipitation data set to be used in the Geo-Neutral Point Source Model for the Newtown Creek site as part of the CERCLA RI/FS process, we think a broader agenda may be worthwhile. We propose the following topics, and ask the NCG, NYC, NYS, and EPA CWD to add their comments. We do want the meeting to be focused on technical issues only, not those related to policy and/or legal requirements:

1. Discuss the appropriate precipitation data set to be used in the Geo-Neutral Point Source Model for the Newtown Creek site as part of the CERCLA RI/FS process.
2. Discuss the loading of CERCLA Hazardous Substances into Newtown Creek from CSOs and storm water discharges.
3. Discuss the appropriate background dataset to use for comparison purposes, specifically focusing on PAHs and PCBs.
4. Overview of the LTCP path forward, from a technical perspective.

Although this is beyond the original 30-days that we had suggested, we would like to schedule the meeting in early July. Unfortunately, July 6 is the only date in early July when all essential members of the EPA team are available. Please let us know if this will work. Otherwise, we will need to look at dates in the second half of the month. We tentatively think the meeting should be scheduled from 10 to 3, but that can be adjusted.

# Caroline

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**Subject:** RE: EPA's comments on Newtown Creek Draft RI and models (Geo-Neutral PS, Hydrodynamic and Sed Tran)

Hi Jim:

Regarding to EPA's comments (referenced below), EPA is still discussing the scope of this meeting internally and will need more than the suggested 5 business days to provide additional

information. We intend to provide this additional information by the end of next week.

EPA Comment 2 on Appendix G of the model stated the following:

Appendix G and Geo-Neutral Point Source Model Evaluation, Precipitation Data for Newtown Creek InfoWorks model: EPA will convene a meeting with technical representatives of the NCG, NYCDEP, and NYSDEC (similar to the modeling working group meetings) within the next 30 days to identify the appropriate precipitation data set to be used in the Geo-Neutral Point Source Model for the Newtown Creek site as part of the CERCLA RI/FS process. EPA will provide additional communications regarding this meeting within 5 business days of this comment transmittal.

Thanks

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**Subject:** EPA's comments on Newtown Creek Draft RI and models (Geo-Neutral PS, Hydrodynamic and Sed Tran)

Jim:

EPA's comments on the Draft Remedial Investigation (RI) Report dated November 2016 and prepared by Anchor QEA including associated draft models (Geo-Neutral Point Source, Hydrodynamic, and Sediment Transport models) are attached. Comments on the RI Report and models are provided in separate files. The attached comments incorporate comments from NYSDEC, USFWS, NOAA, and the USACE. EPA is in the process of reviewing NYCDEP's comments on the RI Report and associated models. EPA will separately provide to Anchor QEA, in early June 2017, those NYCDEP comments that have been incorporated into the EPA comments. EPA is providing comments in advance of the incorporated NYCDEP comments so that Anchor QEA may initiate its review and response of those comments which are attached.

Please call if you have any questions

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